

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 20, 22-43, 46-49 and 51-57 are in the case.

Claims 20, 22-43, 46-49 and 51-57 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the reasons detailed on page 3 of the Action. That rejection is respectfully traversed.

The Examiner has alleged that the claims are indefinite because of the use of the term "a pharmaceutically acceptable derivative thereof". The Applicant respectfully disagrees with the Examiner since this language is clearly defined at page 7, lines 20-27 of the present specification.

The Examiner's statement that it is not clear whether the derivative is a prodrug of the thrombin inhibitor is not understood. As will be evident from the above-quoted definition from page 7, lines 20-27, prodrug of thrombin inhibitors are explicitly excluded.

In the interest of expediting allowance, and without conceding to the merit of any of the Examiner's formal points in the outstanding Action, the claims have been amended to replace the phraseology "pharmaceutically acceptable derivative" when used in the context of thrombin inhibitors to read "salt, solvate or a pharmaceutically acceptable derivative, said derivative having the inhibitory activity against thrombin". When used in the context of prodrugs of thrombin inhibitors, the claims have been amended to refer to a pharmaceutically acceptable salt or solvate of the prodrug. Claims 20, 28, 31, 32 and 41 have been amended in this regard. Basis appears at page 7, lines 20-27. No new matter is entered.

GUSTAFSSON, David
Appl. No. 09/582,863
February 10, 2005

With reference to the rejection of claim 22 and the recitation of the limitation "separate...use", claim 22 has been amended to delete the word "separate".

Claim 31 has been rejected as indefinite in view of the parenthesis appearing in the claim. In response, claim 31 has been amended to remove the parenthesis.

The amendments effected to the claims in the present amendment have been made without prejudice to pursuing the subject matter of a scope prior to the amendments in a separate continuing application. The amendments made in the present response do not generate new issues and do not constitute the introduction of new subject matter.

Withdrawal of the outstanding 35 U.S.C. §112, second paragraph, rejection is now believed to be in order. Such action is respectfully requested.

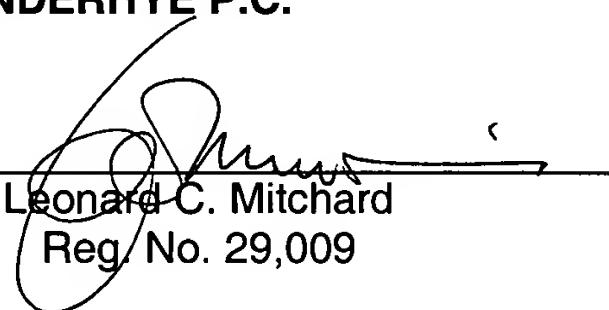
Acknowledgement is made of the interview held on October 27, 2004. A proposed Examiner's Amendment was forwarded to the undersigned but was not accepted.

Allowance of the application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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